

**BOARD OF OPTOMETRY
BOARD MEETING
FEBRUARY 12, 2008**

TIME AND PLACE: The meeting was called to order at 12:12 p.m. on Tuesday, February 12, 2008 at the Department of Health Professions, The Perimeter Center, 9960 Mayland Drive, 2nd Floor, Conference Room 4, Richmond, VA.

PRESIDING OFFICER: David H. Hettler, O.D, President

MEMBERS PRESENT: Gregory P. Jellenek, O.D.
Jonathan R. Noble, O.D.
W. Ernest Schlabach, Jr., O.D.
Jacquelyn S. Thomas, Citizen Member

MEMBERS NOT PRESENT: Paula H. Boone, O.D.

STAFF PRESENT: Elizabeth A. Carter, Ph.D., Executive Director for the Board
Amy Marschean, Senior Assistant Attorney General, Board Counsel
Emily Wingfield, Chief Deputy Director
Carol Stamey, Operations Manager

OTHERS PRESENT: Bill Ferguson, Board for Opticians

QUORUM: With five members of the Board present, a quorum was established.

PUBLIC COMMENT: No public comment was presented.

REVIEW AND APPROVAL OF AGENDA: The order of the agenda was revised to hear Ms. Yeatts Legislative/Regulatory update prior to approval of the minutes.

LEGISLATIVE/REGULATORY UPDATE: Ms. Yeatts presented an update of the 2008 legislation that is relevant to the agency. She noted that there was no proposed legislation specific to optometry. The legislation is incorporated into the minutes as Attachment 1.

Ms. Yeatts reported that the NOIRA on the unprofessional conduct regulations will be published on February 18, 2008 for public comment for the next thirty days. Ms. Yeatts also reported that the proposed NOIRA on the CE Regulations were at the Secretary's office for a sixty day public comment period and public hearing.

VIRGINIA PERFORMS UPDATE:

Ms. Wingfield briefed the Board on the agency's current performance measures. She reported that the agency's rating was at 100% on processing licensure applications, at a rating of 98% on customer satisfaction and a rating of 50% on the 250-day patient care case resolutions. Ms. Wingfield further reported that the in-house case teams were addressing cases that are one year and older. Additionally, she reported that new cases entering the system are being tracked under a separate system. Ms. Wingfield reported that the compliance unit had been redeployed and its personnel assigned to the various boards and enforcement to free up resources to enhance case resolution. Specifically, she introduced Angela Henderson, from the compliance unit, who would be assisting the Boards of Optometry and Health Professions with case compliance and research. Ms. Wingfield reported that the case processing teams were striving for better efficiencies in investigative skills, the retrieval of case records, scanning of records and utilization of streamlined report forms through templates.

APPROVAL OF MINUTES:

On properly seconded motion by Dr. Schlabach, the Board voted unanimously to approve the minutes of the August 6, 2007, September 26, 2007, November 6, 2007 and December 6, 2007 meetings.

DISCUSSION ITEMS:**Sanction Reference Study Training**

Neal Kauder presented a training session via slide presentation on the sanctions reference points. The slide presentation is incorporated into the minutes as Attachment 2.

Standards of Practice Proposed Amendment

Dr. Hettler expressed concern that Section 18 VAC 105-20-45 of the optometry regulations regarding eye examinations may be out of date and lack TPA guidelines. The matter was remanded to the Legislative/Regulatory Review Committee for recommendations to the full board. Ms. Yeatts also noted that the current approved NOIRA on Unprofessional Conduct could address the comprehensive eye examination regulations.

Staff was directed to schedule the committee meeting prior to the next full board meeting.

Professional Designation Regulations Clarification

Dr. Schlabach noted the need for clarification of Section 18 VAC 105-20-50.B.1.A of the optometry regulations. Specifically, he requested clarification of the intent that the

Board had in requiring an optometrist who registers a professional designation practice at “any” location. The matter was remanded to the Legislative/Regulatory Review Committee for review and recommendations.

COMMITTEE REPORTS:

PD Committee

The Committee had no report to present.

Legislative/Regulatory Review Committee

Dr. Hettler reported that the Committee had no old items to present.

Newsletter Committee

The Committee requested that the next newsletter mail out in October prior to license renewal.

Credentials Committee

Dr. Hettler reported that he had reviewed a reinstatement application that was questionable. Specifically, that the applicant had obtained continuing education that was not in compliance with Virginia’s continuing education regulations.

EXECUTIVE DIRECTOR’S REPORT:

Dr. Carter reported on the Board’s case and licensure statistics and budget.

Dr. Carter reported that at its last meeting, the Board requested that staff research the shortage of optometrists in Virginia. She reported that she had contacted Joseph DeFilippo with the State Council on Higher Education for information. Mr. DeFilippo advised that the optometry scholarship funding comes through the Appropriations Act and would require General Assembly action. Dr. Carter noted that the Virginia Optometric Association should address this issue.

Dr. Carter reported that at its last meeting, the Board requested that staff research the shortage of optometrists in Virginia. She reported that she had contacted Joseph DeFilippo with the State Council on Higher Education for information. Mr. DeFilippo advised that the optometry scholarship funding comes through the Appropriations Act and would require General Assembly action. Dr. Carter noted that the optometry scholarship funding should be addressed by the Virginia Optometric Association.

PRESIDENT’S REPORT:

Dr. Hettler overviewed the agency’s revised directive to reduce expenditures, including new hires and large purchases.

Dr. Schlabach reported that he would need approval to attend the June ARBO meeting. He was informed to submit his travel request as soon as possible.

Dr. Hettler also reported that Dr. Carter was now serving as the Executive Director for the Board of Veterinary Medicine.

Lastly, Dr. Hettler informed the Board that Dr. Boone may be out for a while due to medical reasons.

NEW BUSINESS:

Dr. Hettler reported that he had received an inquiry regarding whether or not an optometrist could perform fluorescein angiography and bill for it. The matter was referred to the CPT Code Committee for research and recommendation back to the full board.

ADJOURNMENT:

The Board concluded its meeting at 1:25 p.m.

David H. Hettler, O.D.
President

Elizabeth A. Carter, Ph.D.
Executive Director